

AKIBAT HUKUM BAGI PEMENANG LELANG YANG OBYEK DAN RISALAH LELANG
DIBATALKAN BERDASARKAN PUTUSAN PENGADILAN NEGERI SIDOARJO
NOMOR: 72/PDT.PLW/2020/PN.SDA

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ABSTRAK

Lelang yang telah dilaksanakan sesuai prosedur yang benar tidak dapat dibatalkan, lelang ternyata KPKNL menjual obyek lelang pada lelang pertama dengan harga likuidasi. Hal yang dipermasalahkan apakah *ratio decidendi* putusan Pengadilan Negeri Sidoarjo menyatakan batal dan tidak berkekuatan hukum tetap dan pasti *risalah lelang* yang dilakukan Kepala Kantor Pelayanan Kekayaan Negara dan Lelang Sidoarjo dan apa akibat hukum bagi pemenang lelang obyek yang risalah lelangnya dibatalkan berdasarkan putusan pengadilan. Lelang tersebut dibatalkan berdasarkan putusan Pengadilan Negeri Sidoarjo sebagaimana putusannya No: 72/Pdt.Plw/2020/ PN.SDA. Metode penelitian dengan pendekatan peraturan perundang-undangan dan pendekatan konsep, diperoleh suatu kesimpulan bahwa: *Ratio decidendi* putusan Pengadilan Negeri Sidoarjo menyatakan batal dan tidak berkekuatan hukum tetap dan pasti *risalah lelang* yang dilakukan Kepala Kantor Pelayanan Kekayaan Negara dan Lelang Sidoarjo, bahwa lelang yang diselenggarakan oleh KPKNL Sidoarjo, masih terjadi permasalahan di antaranya pengajuan keberatan pemilik obyek lelang dan belum mendapatkan tanggapan dari PT. BPR Purwosari Anugerah, selain itu lelang pertama nilai harga obyek lelang dihitung sesuai dengan nilai likuidasi, menjadikan pemilik obyek lelang dirugikan. Sesuai dengan harga pasar nilai obyek lelang berdasarkan perhitungan kantor Jasa Penilai Publik sebesar Rp1.633.000.000,00 (Satu milyar enam ratus tiga puluh tiga ribu rupiah), namun diajukan oleh Para Tergugat sebesar Rp. 600.000.000,00 (enam ratus juta rupiah). Akibat hukum bagi pemenang lelang obyek yang risalah lelangnya dibatalkan berdasarkan putusan pengadilan menderita kerugian. Kerugian yang diderita oleh pemilik obyek lelang timbul karena obyek lelang yang dilelang oleh KPKNL atas permohonan PT. BPR Purwosari Anugerah, berdasarkan nilai pasar oleh kantor Jasa Penilai Publik sebesar Rp1.633.000.000,00 (Satu milyar enam ratus tiga puluh tiga ribu rupiah), namun diajukan oleh Para Tergugat sebesar Rp. 600.000.000,00 (enam ratus juta rupiah). Pemilik obyek lelang yang dirugikan dapat menuntut haknya atas kerugian yang timbul dari PT. BPR Purwosari Anugerah dan KPKNL atas dasar telah melakukan perbuatan melanggar hukum sebagaimana Pasal 1365 KUH Perdata.

Kata Kunci: Pemenang Lelang, Risalah Lelang, Dibatalkan.

LEGAL CONSEQUENCES FOR AUCTION WINNERS WHOSE OBJECTS AND AUCTION
MINUTES ARE CANCELED BASED ON THE DECISION OF THE SIDOARJO DISTRICT
COURT NUMBER: 72/PDT.PLW/2020/PN.SDA

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ABSTRACT

Auctions that have been carried out according to the correct procedure cannot be canceled, the auction turns out that the KPKNL sold the auction object at the first auction at a liquidation price. The matter at issue is whether the Sidoarjo District Court's decision ratio decidendi declared null and void and has no permanent and definite legal force, the minutes of the auction conducted by the Head of the Sidoarjo Auction and State Asset Service Office and what are the legal consequences for the winner of the auction object whose minutes of auction are canceled based on a court decision. The auction was canceled based on the decision of the Sidoarjo District Court as stated in its decision No: 72/Pdt.Plw/2020/PN.SDA. The research method uses a statutory regulation approach and a conceptual approach, which results in a conclusion that: The ratio decidendi of the Sidoarjo District Court decision states null and void and has no permanent and definite legal force. KPKNL Sidoarjo, there are still problems including filing objections to the owner of the auction object and not getting a response from PT. BPR Purwosari Anugerah, apart from that in the first auction, the price of the auction object is calculated according to the liquidation value, causing the owner of the auction object to suffer a loss. In accordance with the market price, the value of the auction object based on the calculation of the Public Appraiser Service Office amounted to Rp. 1,633,000,000.00 (one billion six hundred and thirty-three thousand rupiah), but the Defendants submitted Rp. 600,000,000.00 (six hundred million rupiah). Legal consequences for the winner of the object auction whose minutes of auction are canceled based on a court decision suffer losses. Losses suffered by the owner of the auction object arose because the auction object was auctioned by the KPKNL at the request of PT. BPR Purwosari Anugerah, based on the market value by the Public Appraisal Services office of Rp. 1,633,000,000.00 (one billion six hundred and thirty-three thousand rupiahs), but was proposed by the Defendants in the amount of Rp. 600,000,000.00 (six hundred million rupiah). The owner of the object of the auction being harmed can claim his rights for the loss arising from PT. BPR Purwosari Anugerah and KPKNL on the basis of having committed an unlawful act as referred to in Article 1365 of the Civil Code.

Keywords: Auction Winner, Minutes of Auction, Canceled.